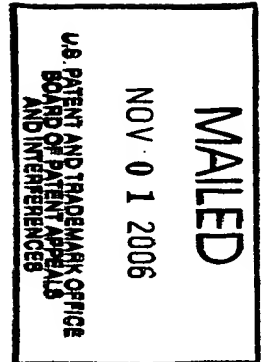


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL AARON KAPLY,
AARON KEITH REED AND CRISTI NESBITT ULLMANN

Application No. 09/884,493



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 24, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Information Disclosure Statements (IDS) were filed on March 11, 2005, August 22, 2005 and March 13, 2006. It is not apparent from the record whether the examiner considered the statements submitted or notified appellants regarding why their submission did not meet the criteria set forth in 37 CFR §§1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, the Examiner's Answer mailed May 26, 2006, indicates that it does not fully comply with the requirements of the MPEP. The following items need to be included in accordance with MPEP § 1207.02:

(A) CONTENTS REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items;

"Claims Appendix." A statement of whether the copy of the appealed claims contained in the appendix to the brief is correct and, if not, a correct copy of any incorrect claim.

A revised Examiner's Answer that is in compliance with MPEP § 1207.02 is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the IDS's filed March 11, 2005, August 22, 2005 and March 13, 2006, with appropriate notification to appellants regarding the Primary Examiner's decision and;
- 2) vacate the Examiner's Answer mailed May 26, 2006, and issue a revised Examiner's Answer in accordance with the MPEP; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: G. Pedgum for Dale Shaw

DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

DMS/kis

CC: IBM CORP (YA)
C/O YEE & ASSOCIATES, P.C.
P. O. BOX 802333
DALLAS, TX 75380